

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Case No.: 3:22-cv-00297-ART-CSD

Order

Re: ECF No. 30, 31

LAUSTEVEION JOHNSON,

Plaintiff

v.

A. SHOOTING, et al.,

Defendants

Before the court is Plaintiff's motion to file a second amended complaint (SAC) that identifies a John Doe defendant as Brady O'Keefe after having identified the defendant in discovery and proposed SAC. (ECF Nos. 30, 31.) Defendants filed a notice indicating they do not oppose Plaintiff's motion. (ECF No. 33.)

Plaintiff is an inmate in the custody of the Nevada Department of Corrections (NDOC), who is proceeding pro se with this civil rights action pursuant to 42 U.S.C. § 1983. The court screened Plaintiff's first amended complaint (FAC), and allowed him to proceed with the following claims which occurred while he was housed at Warm Springs Correctional Center (WSCC): (1) a retaliation claim based on the decision to send Plaintiff to the hole and confiscate his property against defendants Cornfield, Widmar, Ashcraft, Meza, Gregoire, Rynerson, Fernandez, Holloway, and Suwe; (2) a retaliation claim based on a shooting outside the Unit 4B against John Doe (when Plaintiff discovers his identity); (3) a retaliation claim based on Plaintiff's transfer from WSCC to Northern Nevada Correctional Center (NNCC) against Cornfield, Widmar, Ashcraft, Meza, Rynerson, Fernandez, Holloway, Suwe, Fratis, Daniels, Gregoire, and John Doe (when Plaintiff discovers his identity); and (4) an Eighth Amendment

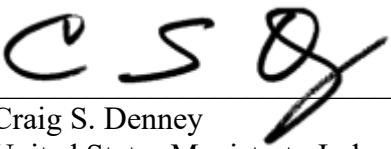
1 excessive force claim against John Doe (when Plaintiff discovers his identity). Plaintiff's
2 supervisory liability claim was dismissed without prejudice. (ECF No. 6.)

3 Plaintiff now seeks leave to file his SAC which identifies Brady O'Keefe as the John Doe
4 defendant.

5 Plaintiff's motion (ECF No. 31) is **GRANTED**. The SAC (ECF No. 30) is now the
6 operative complaint. However, it is proceeding only with respect to the claims identified in the
7 order screening the FAC, with the inclusion of Brady O'Keefe in place of the John Doe
8 defendant.

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10 **IT IS SO ORDERED.**

11 Dated: February 16, 2023

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14 Craig S. Denney
15 United States Magistrate Judge
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